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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,569	10/19/2000	Keiji Watanabe	0941.64850	7511

7590 06/05/2002

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EXAMINER

RESAN, STEVAN A

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 06/05/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/692569

Applicant(s)

KAWASAKI et al

Examiner

RESAW

Group Art Unit

1773

(1773)-9

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-29 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 1-29 are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7, drawn to a magnetic disk and disk drive, classified in class 428, subclass 694 TC.
  - II. Claims 9-12, drawn to a method of making a disk, classified in class 427, subclass 577.
2. III. Claims 13-15, drawn to a magnetic disk & disk drive, classified in class 428, subclass 694 TP.
3. IV. Claims 16-19, drawn to process, classified in class 427, subclass 493+.
4. V. Claim 20, drawn to an apparatus, classified in class 118, subclass 620+.
5. VI. Claims 21-25, drawn to a fluorocarbon resin, classified in class 526, subclass 279.
6. VII. Claims 26-29, drawn to a fluorocarbon resin, classified in class 526, subclass 348.
7. The inventions are distinct, each from the other because:
8. Inventions IV and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make other and materially different products such as a lapping disk for polishing.
9. Inventions IV and V are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another

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materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by an apparatus having the heat source exterior to the processing chamber (e.g. infra-red radiation projected through a transparent wall of the chamber).

10. Inventions V and III are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the product can be made by a materially different apparatus such as one having a heat source outside of the processing chamber (as noted alone).

11. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed way be used to make other and materially different products such or magnetic head slider.

12. The inventions of groups (I and II) and groups (III, IV, and V) are not related since groups IV and V are directed to the product III; group II is directed to the product I; and the product I and product III are not claimed usable together. However even if claimed usable

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together they would be in intermediate-final product relationship with the invention I being the intermediate product which could be used alone or in combination with other lubricants. Like wise invention I could also be in intermediate-final product relationship to either of inventions VI or VIII.

Inventions VI and VII while having no claimed relationship would also appear to be able to be used with invention III. However even if claimed as usable together they would be in intermediate final product relationship with invention III with either of inventions VI or VII being the intermediate product which could be used as a lubricant without having a photo crosslinking functional group.

13. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

14. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

15. Applicant are cautioned that the examiner has considered the components of the magnetic disk drive as nominal recitations and that claiming substantive limitations to any component other than the disk will subject the claims to further restriction with constructive election by original presentation to the elected invention.

If either of groups VI or VII are elected they may further be subject to species elections.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven A. Resan whose telephone number is (703) 308-4287. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.

Resan/LR

May 31, 2002

  
**STEVAN A. RESAN**  
**PRIMARY EXAMINER**